

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the foregoing comments, is respectfully requested.

Claims 21-51 are pending in the application. Claim 21 is amended by the present amendment to correct minor informalities noted in the outstanding Official Action. No new matter is presented.

In the outstanding Official Action, Claim 21 was objected to because of a minor informality; Claims 21-24, 26-38 and 40-51 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,469,373 to Kashiwazaki et al. (hereinafter Kashiwazaki) in view of article “Jandel Scientific Announces Java ® 1.4”, News Release, Corte Madera, CA, March 1, 1991 by Osborn; and Claims 25 and 39 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kashiwazaki and Osborn, in further view of U.S. Patent No. 5,455,599 to Cabral et al. (hereinafter Cabral).

As an initial matter, the Official Action requests that p. 2 of the specification be updated to cite related applications. In response, Applicant notes that the specification was updated by the Preliminary Amendment filed with the application.

In response to the objection to Claim 21, this claim is amended in accordance with the recommendations set forth in the Official Action. Accordingly, Applicant respectfully requests that the objection to Claim 21 be withdrawn.

The Official Action rejected Claims 21-24, 26-38 and 40-51 as unpatentable over Kashiwazaki in view of Osborn. The Official Action cites Kashiwazaki as disclosing Applicant’s invention with the exception of controlling the printer, or reporting printer status “using an object oriented command.” The Official Action cites Osborn (sic Osbon) as disclosing this claimed feature, and states that it would have been obvious at the time of the

invention to combine the cited references to arrive at Applicant's claims. Applicant respectfully traverses this rejection.

Independent Claim 1 recites, a printer, comprising:

a communication interface;
an image forming device; and
a processor, connected to the communication interface
and the image forming device, configured to *control the
printer or to report a printer status using an object oriented
command.*

Independent Claims 35 and 51, while directed to alternative embodiments, recite substantially similar features. Accordingly, the remarks presented below are applicable to each of independent Claims 21, 35 and 51.

As noted above, the Official Action relies on Osborn as disclosing the feature of controlling the printer or reporting a printer status using an object oriented command. However, Applicant draws the Examiner's attention to the file history of Application Serial No. 08/856,183 (herein, the '183 application), now U.S. Patent No. 6,628,413. Applicant's response of December 14, 1999, notes that Osborn "references a program, not an object oriented programming language," and "nothing in either cited references (including Osborn) discloses using object oriented features at all." The Official Action of January 19, 2000 then acknowledges that Osborn is not a valid reference under 35 U.S.C. 102 and 103 in this regard by withdrawing finality of the previous Office Action in favor of reopening prosecution and not citing the Osborn reference.

Therefore, as previously established, Osborn fails to teach or suggest object oriented programming, and more specifically fails to teach or suggest controlling a printer or reporting a printer status *using an object oriented command*, as recited in independent Claim 21.

Furthermore, regarding the patentability of the presently claimed invention, Applicant also wishes draw the Examiner's attention to the decision of the Board of Patent Appeals and Interferences of April 23, 2002 which remanded the '183 application to the Examiner,

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resulting in the issuance of a Notice of Allowance. Applicants submit the present claims are patentable at least for the reasons discussed in the decision of the Board of Patent Appeals and Interferences and in the Notice of Allowance.

Accordingly, Applicant respectfully requests that the rejection of Claims 21, 35 and 51, and the claims the depend therefrom, under 35 U.S.C. § 103 be withdrawn.

Claims 25 and 39 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kashiwazaki and Osborn, in further view Cabral. As noted above, Kashiwazaki and Osborn, neither alone, nor in combination, teach or suggest controlling a printer or reporting a printer status using an object oriented command. Likewise, Cabral fails to remedy this deficiency, and therefore, none of the applied references, alone or in combination, teach or suggest Claims 25 and 39, which include the above distinguished limitation by virtue of dependency.

Accordingly, Applicant respectfully requests that the rejection of Claims 25 and 39 under 35 U.S.C. § 103 be withdrawn.

Consequently, in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 21-51 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable consideration of the application is therefore requested.

Respectfully submitted,

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